

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK DINOIA,

Plaintiff,

v.

METRO-NORTH COMMUTER
RAILROAD COMPANY, and ALFREDO
LDC FOX MEADOW FARMS LTD, d/b/a
ALFREDO LDC,

Defendants.

Application denied without prejudice to renewal in compliance with Rule 4(D) of the Court's Individual Practices. The Court shall hold a discovery conference on Tuesday, June 18, 2024 at 11:00 a.m. in Courtroom 520 of the White Plains courthouse.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 13, 2024

Please take notice, that upon the attached Affidavit and Memorandum of Law submitted in support of this Motion, the Plaintiff, FRANK DINOIA, will move this Court at the United States Courthouse, in the Chambers of Judge Honorable Philip M. Halpern, Federal Building and United States Courthouse 300 Quarropas Street, Courtroom 502, White Plains, New York 10601-4150, on a date and time to be set by the Court as soon as possible, for an order pursuant to Rule 37 and 26 of the Federal Rules of Civil Procedure (hereinafter, "F.R.C.P."): (1) compelling Defendant, ALFREDO LDC FOX MEADOW FARMS LTD, d/b/a ALFREDO LDC, to submit outstanding Initial Disclosures pursuant to F.R.C.P. 26(a)(1); (2) compelling both the Defendants, METRO-NORTH COMMUTER RAILROAD COMPANY, and ALFREDO LDC FOX MEADOW FARMS LTD, d/b/a ALFREDO LDC, to answer Plaintiff's Demand for Interrogatory Responses and Demand for the Production of Documents; and (3) extending existing discovery deadlines.

The grounds of this motion, as are more fully set forth in Plaintiff's attached Affidavit and Memorandum of Law, are that the Defendants were ordered to comply with this Court's February 8, 2024 Civil Case Discovery Plan and Scheduling Order, and failed to do so willfully and without

justification, wherein: (1) Defendant, ALFREDO LDC FOX MEADOW FARMS LTD, d/b/a ALFREDO LDC, failed to serve Initial Disclosures pursuant to F.R.C.P. 26(a)(1), and thereafter failed to answer Plaintiff's Demand for Interrogatory Responses, and Plaintiff's Demand for Production of Documents which were served on or about March 8, 2024; and (2) Defendant, METRO-NORTH COMMUTER RAILROAD COMPANY, failed to answer Plaintiff's Demand for Interrogatory Responses and Plaintiff's Demand for Production of Documents which were served on or about March 8, 2024.

The Plaintiff has in good faith attempted to confer with the Defendants on multiple occasions in an effort to secure the outstanding disclosures and discovery in an attempt to avoid Court intervention, but such efforts, as outlined in the attached Affidavit of Christina M. Gullo, Esq., sworn to on June 12, 2024, were unsuccessful.

Therefore, pursuant to F.R.C.P. 37 and 26, the Plaintiff respectfully requests the Court to order Defendants to furnish appropriate initial disclosures and responses to the Plaintiff's discovery demands within seven (7) days, or as soon thereafter as this Court deems just and proper or as soon thereafter as this Court deems just and proper, and for such other and further relief as this Court may deem just and proper, including but not limited to the extension of existing discovery deadlines as outlined in the Court's February 8, 2024 Civil Case Discovery Plan and Scheduling Order.

Dated: June 12, 2024
Williamsville, New York

By: 

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CERTIFICATE OF SERVICE

A true copy of the foregoing document was served upon all counsel of record by electronic case filing (ECF) on June 12, 2024.



DEIRDRE A. COTRONEO